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## **AGENDA**

### **TEXAS TRANSPORTATION COMMISSION**

**125 East 11<sup>th</sup> Street  
Austin, Texas**

**THURSDAY  
August 28, 2008**

#### **9:00 A.M. CONVENE MEETING**

1. **Resolutions**
  - a. Resolution to recognize Gary Trietsch, Houston District Engineer, upon his retirement after more than 40 years with the department
  - b. Resolution to recognize Craig Clark, Corpus Christi District Engineer, upon his retirement after 26 years with the department
  - c. Resolution to recognize Diana Isabel, Human Resources Division Director, upon her retirement after more than 32 years with the department
  - d. Resolution to recognize Susan Sampson, Auto and Burglary Theft Prevention Office Director, upon her retirement after more than 20 years with the state
2. **Approval of Minutes** of the July 31, 2008 regular meeting and August 25, 2008 special meeting of the Texas Transportation Commission
3. **Reports**
  - a. Development of the department's internal compliance program (ICP)
  - b. Implementation of Sunset Commission staff recommendations
4. **Discussion Item**

Discuss recent Trans-Texas Corridor developments
5. **Aviation**
  - a. Approve funding for Routine Airport Maintenance Program at various locations (MO)
  - b. **Various Counties** – Approve funding for airport improvement projects at various locations (MO)

6. **Public Transportation**  
Appoint members to the Public Transportation Advisory Committee ([MO](#))
7. **El Paso Comprehensive Mobility Plan**  
Report from El Paso leaders on the El Paso Comprehensive Mobility Plan
8. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:
  - a. **Final Adoption**
    - (1) **Chapter 15 – Transportation Planning and Programming** ([MO](#))  
Amendments to §15.13, New Product Evaluation (Research and Planning Contracts)
    - (2) **Chapter 15 – Transportation Planning and Programming** ([MO](#))  
New §15.94, CDA Projects Corporation (Transportation Corporations)
  - b. **Proposed Adoption (to be published in the Texas Register for public comment)**
    - (1) **Chapter 1 – Management** ([MO](#))  
New §1.700, Digital Certificates
    - (2) **Chapter 4 – Employment Practices** ([MO](#))  
Amendments to §4.31, Definitions, §4.34, Illegal Drugs, §4.37, Test Results, §4.39, Refusal to Test, §4.42, Recurrence of Substance Abuse, §4.43, Employees Who Drive for the Department, and §4.44, Commercial Drivers, Safety-Sensitive Employees, and Vessel Crewmembers (Substance Abuse Program)
    - (3) **Chapter 9 – Contract Management** ([MO](#))  
Amendments to §9.11, Definitions, §9.12, Qualification of Bidders, §9.13, Notice of Letting and Issuance of Proposals, §9.14, Submittal of Proposal, §9.15, Acceptance, Rejection, and Reading of Proposals, §9.16, Tabulation of Bids, §9.17, Award of Contract, §9.18, After Contract Award, and §9.19, Emergency Contract Procedures (Highway Improvement Contracts)
    - (4) **Chapter 9 – Contract Management** ([MO](#))  
Repeal of §9.100, Purpose, §9.101, Definitions, §9.102, Procedure, §9.103, Opportunity for Hearing, §9.104, Application of Sanctions, §9.105, Suspension, and §9.106, Sanctions (Contractor Sanctions) and New §9.100, Purpose, §9.101, Definitions, §9.102, Grounds for Sanctions, §9.103, Notification of Rules, §9.104, Referral to Executive Director, §9.105, Determinations Related to Sanction, §9.106, Responsibility for Acts of Others, §9.107, Sanction Levels, §9.108, Application of Sanctions, §9.109, Notice of Sanctions, §9.110, Suspension, §9.111, Contractual Obligations Unaffected, §9.112, Opportunity for Informal Hearing, §9.113, Informal Hearing on Indirect Sanction, §9.114, Opportunity for Formal Hearing, §9.115, Stay of Sanctions, §9.116, List of Debarred or Suspended Contractors, and §9.117, Annual Review (Contractor Sanctions)

8.
  - b. **Proposed Adoption (continued)**
    - (5) **Chapter 21 – Right of Way (MO)**  
 Amendments to §21.31, Definitions, §21.35, Exceptions, §21.37, Design, §21.38, Construction and Maintenance, §21.39, Ownership/Abandonment/Idling, §21.40, Underground Utilities, §21.52, Forms-General, §21.53, Use and Occupancy Agreement Forms, §21.54, Notice Forms, and §21.55, Abandoned Interests (Utility Accommodation) and §21.902, Definitions, and §21.905, Requests (Utility Accommodation for Rail Facilities)
  - c. **Rule Review**  
 In accordance with Government Code, §2001.039, Readoption of 43 Texas Administrative Code Chapter 21, Right of Way (MO)
9. **Transportation Planning**
  - a. **Cooke, Denton, and Tarrant Counties** – Authorize an agreement with the National Railroad Passenger Corporation for the provision of passenger rail service on the Amtrak Heartland Flyer route (MO)
  - b. **El Paso County** – Consider amending the Unified Transportation Plan to include projects listed in the El Paso Comprehensive Mobility Plan (MO)
  - c. **El Paso County** – Authorize the Camino Real Regional Mobility Authority to conduct a study and, in coordination with the department, present proposals for the joint development of various tolled and non-tolled projects in the El Paso 2008 Comprehensive Mobility Plan, including planning, design, financing, construction, operation, and ownership (MO)
  - d. **Various Counties** – Appoint members to the Border Trade Advisory Committee (MO)
  - e. **Various Counties** – Award transportation development credits to provide non-federal match of federal metropolitan planning funds and statewide planning and research funds (MO)
  - f. **Various Counties** – Certify eligible counties for the 2009 Economically Disadvantaged Counties Program and establish local match adjustment for each county (MO)
10. **Pass-Through Tolls**  
**El Paso County** – Authorize the executive director to issue a request for competing proposals to private entities to design, construct, and finance the I-10 at Schuster Road (University of Texas at El Paso’s main entrance) Safety, Congestion Relief and Mobility Project under a pass-through toll agreement. The request for competing proposals relates to a proposal for a project to be developed under a pass-through toll agreement received from Miner Express Highway Developers, LLC (MO deferred)

11. **Toll Projects**  
**Denton and Collin Counties** – Consider the removal from the state highway system and transfer to the North Texas Tollway Authority of the portion of SH 121 comprising the mainlanes and associated right of way, from the ramp pair on the west side of FM 2281 to the ramp pair on the east side of the Hillcrest Road overpass in Denton and Collin counties (MO)
12. **Finance**
  - a. Adopt the FY 2009 Operating Budget (MO)
  - b. Annual review of investment policy (MO)
  - c. Annual review of debt and derivative management policies (MO)
  - d. Adopt the Legislative Appropriations Request for FY 2010 and FY 2011 (MO)
  - e. Approve the issuance of bonds and/or other obligations to refund the Central Texas Turnpike System First Tier Revenue Bonds, Series 2002-B (Weekly Rate Demand Bonds) (MO)
  - f. **Travis and Williamson Counties** – Adopt the annual operating budget, annual maintenance budget, and annual capital budget for the Central Texas Turnpike System (MO)
13. **Contracts**
  - a. **Award or Reject Highway Improvement Contracts**
    - (1) **Highway Maintenance and Department Building Construction** (see attached itemized list) (MO)
    - (2) **Highway and Transportation Enhancement Building Construction** (see attached itemized list) (MO)
  - b.
    - (1) **Hidalgo County** – Project BPM 6181-06-001. Award of maintenance contract to second lowest bidder (MO)
    - (2) **Sabine County** – Project RMC 6180-37-001. Award of maintenance contract to second lowest bidder (MO)
14. **Fiscal Year 2009 Project Obligation Limit Estimate**  
Approve the dollar amount that can be obligated to new and active highway improvement contracts in FY 2009 and review the September 2008 list of highway maintenance and construction contracts for which the department is scheduled to receive bids at the statewide letting (MO)

15. **Routine Minute Orders**

a. **Donations to the Department**

- (1) **Government and Public Affairs Division** – Acknowledge a donation from the Midland-Odessa Transportation Alliance, Inc. for a department employee's travel expenses to meet with government and business representatives in the state of Chihuahua. The department employee also participated in a workshop to discuss transportation improvements on the corridor. The workshop was held in Chihuahua, Mexico on August 5 – 6, 2008 (MO)
- (2) **Right of Way Division** – Acknowledge a donation from the International Right of Way Association for a department employee's travel accommodation expense to participate and speak at the International Right of Way Association's Annual Education Conference. The conference was held in Austin, Texas, on June 22 – 25, 2008 (MO deferred)
- (3) **Right of Way Division** – Acknowledge a donation from the International Right of Way Association for a department employee's travel expenses to attend the International Executive Committee meeting and to participate in the Planning Session for the 3<sup>rd</sup> Annual Public Federal Agency Update. The department employee also participated in meeting with several federal agencies regarding the requirements for public acquisition. The planning session and meeting was held in Washington, D.C. on July 20 – 23, 2008 (MO)
- (4) **Travel Information Division** – Consider a donation from the Texas Travel Industry Association (TTIA) to provide lodging, food, beverage, and admission and transportation to area attractions, solicited from various sponsors, for department employee travel counselors to attend the TTIA Study Tour of the Central Texas Hill Country on October 19 – 24, 2008 (MO)

b. **Eminent Domain Proceedings**

**Various Counties** – noncontrolled and controlled access highways (see attached itemized list) (MO)

c. **Highway Designation**

**Cameron County** – Redesignate a segment of FM 511 between US 77/US 83 and Old Port Isabel Road as SH 550 and extend SH 550 along a new location from Old Port Isabel Road to the proposed Port of Brownsville entrance (MO)

d. **Load Zones & Postings**

**Various Counties** – Revise load restrictions on various bridges on the state highway system (MO)

15. **Routine Minute Orders**

e. **Right of Way Dispositions and Donations**

- (1) **Dallas County** – SH 161 at I-20 – Consider the donation of land for a highway improvement project (MO)
- (2) **El Paso County** – I-10 at Artcraft Road in El Paso – Consider the sale of surplus right of way (MO)
- (3) **Hill County** – FM 933 north of FM 2604 – Consider the donation of land for a highway improvement project (MO)
- (4) **Jones County** – FM 1082 at 7th Street in Hawley – Consider the exchange of right of way (MO)
- (5) **Jones County** – FM 1082 at 7th Street in Hawley – Consider the sale of surplus right of way (MO)
- (6) **Tarrant County** – I-30 at Collins Street in Arlington – Consider the exchange of right of way (MO)
- (7) **Wharton County** – FM 1301 at FM 1096 in Iago – Consider the quitclaim of three tracts of surplus right of way (MO)

f. **Speed Zones**

**Various Counties** – Establish or alter regulatory and construction speed zones on various sections of highways in the state (MO)

16. **Executive Session** Pursuant to Government Code, Chapter 551

- a. **Section 551.071** – Consultation with and advice from legal counsel regarding any item on this agenda
- b. **Section 551.074** – Discussion regarding the creation of a performance plan for the executive director

**OPEN COMMENT PERIOD** – At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the commission. No action will be taken. Each speaker will be allowed a maximum of three minutes. Speakers must be signed up prior to the beginning of the open comment period.

**ADJOURN**

\* \* \*

**NOTE:**

Enumerated agenda items are assigned numbers for ease of reference only, and will not necessarily be considered by the commission in that particular order. Items identified with (MO) for minute order are those upon which the commission is considering an action.

Persons with special needs or disabilities who plan to attend this meeting and require auxiliary aids or services are requested to contact Dee Hernandez at (512) 305-9536 at least three working days prior to the meeting so that appropriate arrangements can be made.

**TEXAS TRANSPORTATION COMMISSION MEETING**  
**ATTACHED LISTS**  
**August 28, 2008**

**HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION CONTRACTS-STATE**  
**LET AGENDA ITEM 13.a.(1)**

| <b><u>DIST</u></b> | <b><u>COUNTY</u></b><br><b><u>NAME</u></b> | <b><u>HIGHWAY</u></b><br><b><u>NUMBER</u></b> | <b><u>CONTROLLING</u></b><br><b><u>PROJECT NO.</u></b> |
|--------------------|--|---|--|
| AMA                | POTTER                                     | IH 40   | RMC-618205001  |
| CRP                | JIM WELLS                                  |   | CBC-470400761  |
| FTW                | TARRANT                                    | IH 30   | RMC-617960001  |
| FTW                | TARRANT                                    | IH 820  | RMC-617961001  |
| HOU                | HARRIS                                     | US 59   | RMC-618006001  |
| LRD                | LA SALLE                                   | IH 35   | RMC-617817001  |
| PAR                | GRAYSON                                    | FM 901  | RMC-617535001  |
| PHR                | HIDALGO                                    | BU 83S  | RMC-618296001  |
| SAT                | BEXAR                                      | LP 1604                                       | RMC-618041001  |
| SAT                | MEDINA                                     | US 90   | RMC-618114001  |
| SAT                | WILSON                                     | SH 123  | RMC-617995001  |
| TYL                | SMITH                                      | US 69   | RMC-618207001  |
| WAC                | LIMESTONE                                  | US 84   | RMC-617914001  |
| YKM                | AUSTIN                                     | IH 10   | RMC-618101001  |
| YKM                | FAYETTE                                    | SH 71   | RMC-618102001  |
| YKM                | VICTORIA                                   | US 59   | RMC-618100001  |

**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING CONSTRUCTION  
CONTRACTS-STATE LET AGENDA ITEM 13.a.(2)**

| <b><u>DIST</u></b> | <b><u>COUNTY<br/>NAME</u></b> | <b><u>HIGHWAY<br/>NUMBER</u></b> | <b><u>CONTROLLING<br/>PROJECT NO.</u></b> |
|--------------------|-------------------------------|----------------------------------|---|
| ABL                | TAYLOR                        | CS                               | STP 2001(870)                             |
| ATL                | HARRISON                      | SH 154                           | BR 2008(806)                              |
| ATL                | TITUS                         | CR                               | BR 2006(464)                              |
| AUS                | BASTROP                       | FM 812                           | BR 2008(816)                              |
| AUS                | GILLESPIE                     | VA                               | STP 2008(815)                             |
| AUS                | TRAVIS                        | IH 35                            | IM 0353(271)                              |
| AUS                | TRAVIS                        | IH 35                            | IM 0353(269)                              |
| AUS                | TRAVIS                        | RM 2244                          | STP 2008(817)                             |
| AUS                | TRAVIS                        | US 183                           | NH 2008(810)                              |
| AUS                | TRAVIS                        | VA                               | STP 2008(811)                             |
| AUS                | TRAVIS                        | VA                               | STP 2008(812)                             |
| AUS                | TRAVIS                        | VA                               | STP 2008(813)                             |
| AUS                | TRAVIS                        | VA                               | STP 2008(814)                             |
| BWD                | BROWN                         | VA                               | STP 2008(820)                             |
| CRP                | KARNES                        | SH 72                            | STP 2008(485)                             |
| CRP                | NUECES                        | IH 37                            | IM 0371(131)                              |
| DAL                | COLLIN                        | US 75                            | CC 47-6-140                               |
| DAL                | DALLAS                        | CS                               | STP 96(25)MM                              |
| DAL                | DALLAS                        | IH 30                            | BOR 2005(995)                             |
| DAL                | DALLAS                        | IH 30                            | IM 0301(053)                              |
| DAL                | DALLAS                        | IH 35E                           | IM 0356(410)                              |
| DAL                | DALLAS                        | LP 12                            | NH 2008(361)                              |
| DAL                | DALLAS                        | SH 114                           | STP 2005(315)MM                           |
| DAL                | DALLAS                        | US 80                            | BR 2008(822)                              |
| DAL                | DENTON                        | VA                               | STP 2008(667)                             |
| DAL                | KAUFMAN                       | IH 20                            | IM 0205(142)                              |
| ELP                | EL PASO                       | SH 20                            | STP 2008(668)                             |
| ELP                | EL PASO                       | SH 20                            | CM 2008(825)                              |
| ELP                | PRESIDIO                      | US 67                            | STP 2008(705)HES                          |



**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING CONSTRUCTION  
CONTRACTS-STATE LET AGENDA ITEM 13.a.(2)**

| <b><u>DIST</u></b> | <b><u>COUNTY<br/>NAME</u></b> | <b><u>HIGHWAY<br/>NUMBER</u></b> | <b><u>CONTROLLING<br/>PROJECT NO.</u></b> |
|--------------------|-------------------------------|----------------------------------|---|
| FTW                | JOHNSON                       | SH 171                           | STP 2008(831)                             |
| FTW                | JOHNSON                       | SH 174                           | CC 19-1-133                               |
| FTW                | PALO PINTO                    | US 180                           | STP 2008(826)                             |
| FTW                | PARKER                        | FM 113                           | STP 2008(834)                             |
| FTW                | PARKER                        | FM 1885                          | BR 2008(832)                              |
| FTW                | PARKER                        | IH 20                            | CM 2008(737)                              |
| FTW                | PARKER                        | PR 71                            | STP 2008(833)                             |
| FTW                | TARRANT                       | BU 287P                          | HP 2008(828)                              |
| FTW                | TARRANT                       | FM 156                           | CC 718-2-48                               |
| <br>               |                               |                                  |   |
| HOU                | BRAZORIA                      | SH 288                           | C 598-2-42                                |
| HOU                | HARRIS                        | VA                               | CM 2008(855)                              |
| HOU                | HARRIS                        | VA                               | CM 2008(857)                              |
| HOU                | HARRIS                        | VA                               | CM 2008(856)                              |
| <br>               |                               |                                  |   |
| LFK                | NACOGDOCHES                   | FM 343                           | STP 2008(841)HES                          |
| <br>               |                               |                                  |   |
| ODA                | ECTOR                         | FM 2020                          | STP 2008(842)                             |
| ODA                | ECTOR                         | VA                               | C 906-00-128                              |
| <br>               |                               |                                  |   |
| PHR                | HIDALGO                       | FM 396                           | CBI 2008(332)                             |
| <br>               |                               |                                  |   |
| SAT                | GUADALUPE                     | IH 10                            | C 535-1-58                                |
| SAT                | GUADALUPE                     | IH 10                            | C 535-2-43                                |
| SAT                | KERR                          | FM 394                           | BR 2008(674)                              |
| <br>               |                               |                                  |   |
| WAC                | BELL                          | SH 195                           | NH 2007(245)                              |
| WAC                | HILL                          | FM 67                            | STP 2008(847)                             |
| WAC                | LIMESTONE                     | US 84                            | BR 2008(845)                              |
| WAC                | MCLENNAN                      | CS                               | BR 2006(816)                              |

**EMINENT DOMAIN - [AGENDA ITEM 15.b.]****NONCONTROLLED ACCESS**

| <b><u>COUNTY</u></b> | <b><u>HIGHWAY</u></b> | <b><u>EXHIBIT</u></b> | <b><u>ACCOUNT</u></b> | <b><u>PARCEL</u></b> |
|----------------------|-----------------------|-----------------------|-----------------------|----------------------|
| Bell                 | FM 437                | 1                     | 0590-04-035           | 1                    |
| Bell                 | FM 437                | 2                     | 0590-04-035           | 43                   |
| Denton               | FM 720                | 3                     | 1567-01-032           | 5                    |
| Denton               | FM 720                | 4                     | 1567-01-032           | 24                   |
| Hill                 | FM 933                | 5                     | 1190-01-038           | 7                    |

**CONTROLLED ACCESS**

| <b><u>COUNTY</u></b> | <b><u>HIGHWAY</u></b> | <b><u>EXHIBIT</u></b> | <b><u>ROW CSJ NO.</u></b> | <b><u>PARCEL</u></b> |
|----------------------|-----------------------|-----------------------|---------------------------|----------------------|
| Caldwell             | SH 130                | G                     | 3583-01-002               | 621                  |
| Caldwell             | SH 130                | H                     | 3583-01-002               | 629                  |
| Caldwell             | SH 130                | I                     | 3583-01-002               | 665                  |
| Caldwell             | SH 130                | J                     | 3583-01-002               | 1536                 |
| Caldwell             | SH 130                | K                     | 3583-01-002               | 1537                 |
| Caldwell             | SH 130                | L                     | 3583-01-002               | 1629AC               |
| Caldwell             | SH 130                | M                     | 3583-01-002               | 1804                 |
| Caldwell             | SH 130                | N                     | 3583-01-002               | 1835                 |
| Dallas               | IH 635                | E                     | 2374-01-052               | 29                   |
| Dallas               | IH 635                | F                     | 2374-01-052               | 32                   |
| Hill                 | IH 35                 | D                     | 0014-07-094               | 10                   |
| Hill                 | IH 35                 | C                     | 0014-07-094               | 17                   |
| Hill                 | IH 35                 | A                     | 0014-07-094               | 29                   |
| Hill                 | IH 35                 | B                     | 0014-07-094               | 31                   |
| Travis               | SH 130                | O                     | 0440-06-008               | 442                  |
| Travis               | SH 130                | P                     | 0440-06-008               | 444                  |
| Travis               | SH 130                | Q                     | 0440-06-008               | 445                  |
| Travis               | SH 130                | R                     | 0440-06-008               | 471                  |
| Travis               | SH 130                | S                     | 0440-06-008               | 1505                 |

I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements.

CERTIFYING OFFICIAL: Bob Jackson, General Counsel, (512) 463-8630.